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E.O. 12958: DECL: 09/06/2016
TAGS: [PREL](#) [KCRM](#) [RW](#)
SUBJECT: GOR RESPONSE ON BWINDI CASE

REF: STATE 144819

Classified By: Ambassador Michael R. Arietti, reason
1.4 (B) & (D).

¶1. (C) Ambassador met with Prosecutor General Martin Ngoga on September 6 to discuss the Bwindi Case, in particular, next steps in the wake of the U.S. court's suppression of the defendants' confessions (as requested reftel). Ambassador discussed the three possible prosecutorial options (appeal the ruling, continue the case using other evidence, or dismiss the case) and asked if the GOR would consider prosecution, return of the defendants, or prosecution in a third country. Ngoga was fully aware of recent developments and expressed GOR discomfort with the current situation, noting that Rwanda had only reluctantly agreed to send the defendants to the U.S. rather than trying them in Rwanda.

¶2. (C) Ngoga expressed a clear preference for U.S. prosecutors to continue the case despite the evidentiary setback. He asked that this option be vigorously pursued. If the evidentiary appeal failed, and further U.S. prosecution appeared inadvisable, he said that Rwanda could prosecute the defendants under local laws, and would consider doing so. If the case proceeded to trial in the U.S. and the defendants won acquittal, he said, Rwanda would be unable to prosecute. He noted that the return of the defendants under any circumstances would be problematic, as they would likely contest their return on the basis of their successful torture claim before the U.S. court. He did not welcome the idea of prosecution by a third country.

¶3. (C) Commenting that he had originally offered the services of a GOR attorney to assist with the U.S. prosecution, he renewed this offer for the purposes of the appeal. Rwanda stood ready to assist in any way helpful to the prosecution, he said, and he wondered if additional information could be forwarded by the GOR to assist with the appeal. Ambassador thanked Ngoga for his willingness to consider local prosecution, and pledged immediate communication of Ngoga's comments to Washington, and of further responses from Washington or developments in the case.
ARIETTI